

STAR-CHAMBER CASES.

shewing

WHAT CAUSES PRO-
PERLY BELONG TO THE
COGNIZANCE OF THAT
COURT.

Collected for the most part out of Mr.
CROMPTON his Booke,
Entituled,
The Jurisdiction of divers Courts.



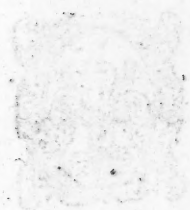
LONDON,

Printed by I. O. for *Iohn Grove*, and are to bee
sold at his shop in Chancerie Lane, over against
the *Sub Pæna* Office. 1641.

STAR OF AMBER CASES

WHAT CASES PRO
PERTAIN TO THE
COAST OF THE
GULF

Collected for the first time out of the
CROWD of the people



Printed by J. O. for the author, and for sale
at the Library of the University of the South
at the University of the South



The Preamble, explaining the
causes properly belonging to the
Cognizance of the *Star Chamber, Viz.*

*Unlawfull Assemblies, Routs, Riots, Forgeries,
Perjuries, Cozenages, Libelling, and other
like misdemeanors not especially provided
for by the Statutes.*



N Unlawfull Assembly is Unlawful Af-
the meeting of three or *semblies.*
more persons together,
with force to commit
some unlawfull act, and
abiding still, not ende-
avouring the execution
thereof, as to assault or
beat any person, or to enter into his House or
Land, &c. *West part 2. Symbol. tractat. Indict-
ments Sectio 6. Lambert in his Eirenarch; saith
of it thus: An unlawfull assembly is the com-
pany of three persons (or more) gathered to-
gether to doe any unlawfull act although they
doe it not in deed. So saith Kitchin. fol. 20.*

Rout is originally a French word signifi- *Rout.*
ing a Company or flocke. It signifieth in our
Com-

mon Law an Assembly of three persons , or more going about forceably to commit an vnlawfull act, but yet doe it nor. *West part. 2. Symbol. Tractat. Indictments. Sect. 65.* Lambert thus writeth of it; A Rout is the same which the *Germanes* yet call (*Rôt*) meaning a Band or greate Company of men gathered together, and going about to execute, or executing indeed any Riot or vnlawfull Act. And (saith *Marrow*) it is said properly of the multitude that assemble themselves in such disorderly sort for their common quarrels. As if the Inhabitants of a Township doe assemble to pull downe a hedge or pale, to have Common where they ought to have none, or to beat a man that hath done them some publike offence or displeasure. But the *Stat. of 18. Ed. 3. Cap. 1.* which giveth Proesse of Outlawry against such, as bring routs into the presence of Iustices, or in affray of the people; and the *Stat. of Anno. R. 2. Cap. 6.* that speaketh of ryding in great Routs to make entry into lands, to beat others, and to take their wives, &c. doe seeme to vnderstand it more largely.

And it is a Rout whether they put their purpose in execution or not, if so bee that they goe, ride or move forward after their meeting. *Br. titulo. Riot. ca. 5.* So as it seemeth, a Rout should be a speciall kinde of vnlawfull Assembly. And the disorderly fact committed

red generally by any vnlawfull Assembly: Howsoever it be, two things be common both to Rout, Riot, and vnlawfull Assembly; the one that three persons at the least, bee gathered together; for so it is commonly taken at this day, as I have learned: the other that they being together, doe breed disturbance of the Peace, either by signification of speech, shew of Armour, turbulent gesture, or actual and expresse violence, so that either the peaceable sort of men bee vnquieted and feared by the fact, or the lighter sort & busie bodie emboldened by the example. Thus farre M. Lamb. in whom you may read much more to this purpose worth the reading.

A Ryot is the forcible doing of an vnlawfull act by three or more persons assembled together for that purpose. *West. part. 2. Symbol. tractat. Indictments Sessio 65. Ritchin fol. 19.* giveth these examples of Ryots, the breach of inclosures, or of banckes, or Conduits, Parks, Ponds, Houses, Barnes, the burning of stacks of Corne. And Mr. Lambert in his *Eirenar-shanseth* these examples, to beat a man, to enter forcibly vpon a possession.

The Statutes that concerne these matters are these following, *Anno 2. Edw. 3. Cap. 3.* commonly called the Stat. of Northampton.

Anno 2. R. 2. Stat. 1. cap. 6.

Anno 13. H. 4. cap. 7.

Anno 2. H. 5. cap. 8. & 9.

Anno 8. H. 6. cap. 14.

Anno 11. H. 7. cap. 7.

Anno 19. H. 7. cap. 13.

Anno 1. Mar. Parl. 1. cap. 12.

Anno 2. R. 2. Stat. primo cap. 7.

Anno 17. R. 2. cap. 8.

The Civillians call it *Cætum*, vel *Turbam*, which we call an unlawfull assembly, defining it in these words: *Turbæst quæ consistit. ex multitudine hominum ad mali cujusquam perpetrationem congregatorum*; and this multitude must be of fiftene, or tenné at the least. *Prætor de vibono rapt. s. 1. Et Barthol. ibidem*. Howbeit, the Constitutions and Customes of divers Countries doe restrayne this to a lessor number: as to foure in Burgundy, *Chassaneus de Consuetud. Burgum rubri* 13. s. 6. And it is a private offence to any person, and lyeth *Civilitur adduplum* only, within the compasse of the first yeare: and *ad simplum* afterwards for any thing lost, or other harme evidently befalling; or *in quadruplum*, for any thing taken away by any of the tumult. But it is also punished criminally, as a publike offence done to the Common wealth, and against the peace. And first if the force be done without armes, it is called *vis privata*, and punished by the third part of his goods that causeth it, and by infamy that depriveth him of all possibility

liberty either to become a Senator, or a Decurian, or a Iudge, or other Honourable person, or Officer. If it be with armes, then it is termed *vis publica*, and is punished in the intention no lesse then in the effect, *per deportationem*, that is, perpetuall banishment, if he be a freeman; or by death, if slaughter be committed: If he be a servant, then by death simply. the Saxons punish it at this day *per fastigationem, uel manus amputationem*. But three things here be accessarily incident. First, that the force rayfed be greater then may bee resisted by him against whom it is intended, without other helpe. Next, that the force be *vis armata*, that is, *quæ sit adhibitis armis*: the third, that there be *dolus*, that is, a pretended malice, or settled intention to harme. *Gayl. de pace. Pub. lib. 1. cap. 7.*

The reason why the intention in this case is reputed an effect, is because it is reckoned *inter atrociora delicta*: in the which, for the extraordinary regard of the publike estate, *conatus perinde atque effectus punitur*. *Gayl. ubi. supra cap. 13.*

Forgery is a falshood committed in or about some writing or Deed: as if a man write or signe a false Testament, or falsly set downe therein some Legacie, or trust in himselfe; or if he make a false Deed, or Accompt, or other Instrument; or if he bribe or corrupt a Iudge

a Iudge, or doe raze, change, or corrupt any writing, to the defrauding of another man, or doe convey, remove, or take away, suppress, conceale, or falsely signe a Testament or counterfeite another mans hand in writing, or Counterfeite the hands of Magistrares, and Certificates, Testimonials, or Licenses in their names, or corrupt or subborne false witnesses, or make false accompt or reckoning. *West. part. 2. Symbol. tractat. Indictments. sect. 60.* I finde three Statutes against this offence.

Anno 1. H. 5. cap. 3. repealed by Anno El. cap. 14.

Anno 7. H. 5. cap. 3.

Anno 5. Eliz. cap. 14.

Forgery, is that which the Civillians call *Crimen falsi*, or at the least one part thereof: For by them *Crimen falsi* is extended as well to false measures, or weights, to false accusations, and conspiracies, (as wee call them) *ad partus suppositos*, and such like, as to forging of writings, or Deeds. That which wee call Forgery, they terme *falsitatem scriptorum*, which is committed by as many wayes as are above expressed in the example of definition set downe by *West.*

Penas falsi, aut quasi falsi, idest, ejus delicti quod ex Senatus consulto, aut interpretat' prouident. pro falso habetur, est deportatio, & omnium bonorum

bonorum publicatio, in liberis, in servia ultimum supplicum: Sed hodie hac est pena arbitraria, & pro qualitate delicti, aut extenditur ad ultimum supplicum, aut remittitur usque ad manus amputationem, vel relegationem temporal. Wesenb. in parat. de crimine falsi. But for the diversity of punishments in this case, according to the diversity of the offence in these latter times, See *Dantrowderius* in his *criminall practise* cap. 122.

Perjury is a lye confirmed by oath. *West.* Perjury. part. 2. *Symbol. tractat. Indictments Sect. 28. Mendacium juramento firmatum, Iul. Clar. perjur.* This perjury that is punishable in the Starre-chamber, as I have heard learned men say, is such as is committed in some of the Kings Courts of Record. For if it be an extrajudiciall perjury, or committed in a Court Christian, or any inferiour and base Court, it is rather punishable by Ecclesiasticall penance. Such perjury as is commonly punished in the Starchamber, is corrected by some arbitrary censure, as sometime by fine to his Majesty, sometime by pillory, sometime by whipping, sometime by losse of an eare or eares, sometimes by imprisonment, and sometimes by more of these punishments joyned together, according to the quality of the offence, or of the person: touching perjuries, looke these Statutes.

Anno 3. Ed. 1. cap. 37.

Anno 5. E. 4. cap. 6.

Anno 11. H. 6. cap. 5.

Anno 19. H. 6. cap. 5.

Anno 18. H. 6. cap. 4. & cap. 5.

Anno 1. R. 3. cap. 4.

Anno 11. H. 7. cap. 15. 21. 23. 24. & 25.

Anno 1. H. 8. cap. 1.

Anno 23. H. 6. cap. 3.

Anno 26. H. 8. cap. 4.

Anno 5. El. cap. 9.

We have perjurie committed in England by one meanes, which in other Nations is unknowne: And that is by the Iury or Enquest, that breake their oaths in giving vp their verdict. In which case there lyeth a Writ of attaint against them, whereby they are summoned to appeare in the Kings Bench at a certaine day, and there being convict of perjury, are according to the ancient Law of England to undergoe a most ignominious punishment: as you may reade in *Glanvill. li. 2. cap. 19.* and *Breton cap. 53. & cap. 100.* and *Fortescue cap. 26.* And that is to have their Medowes eared, their houses broken downe, their Woods burned up, their Lands and Tenements forfeited to the King, and (as it may be gathered out of *Fitzherb. Nat. Br.* in the Writ of Attaints, *fol. 195.* their bodies to be committed to Prison during the Kings plea-

pleasure, but wee see no example of this in these dayes, but rather in lieu of this, some of these punishments formerly expressed.

This by the Civill Law is a branch of *Crimen falsi*, and therefore is censured as before is set downe in *Forgery*; howbeit the best Civilians bee of opinion, that it hath not any ordinarie punishment, but *juxta arbitrium Judicis*, *Fachin de controu. Iuris*, lib. 1. cap. 14. yet other effects doe follow of it, as *Inlinus Clarus* mentioneth. *Perjurium*, first it is questionable, whether that hee that is *perjurus* be *infamis infamia Iuris*, or not, and the common opinion is negative, yet with this distinction, *super juramento assertorio* hee is not: *Sed si promiserit cum juramento aliquid de futuro, & illud non fecerit, ex tali perjurya fit infamia infamia Iuris*; Item *Clericus propter perjurium potest privari dignitate obtenta non tamen privatur ipso jure*; Et hac est communis opinio, *Clericus tamen perjurus, si instituat in aliquo beneficio non valet institutio ipso jure*; Et hac est communis opinio, *Clericus tamen perjurus, incidit etiam perjurus circa pacta, vel transactiones in penas Legis 41. Col. de transactione: viz. non solum infamatur verumetiam actione privatur restituta pena que pactis probatur inserta & rerum proprietate careat & emolumento, quod ex pactione, vel transactione illa fuerit consecutione. Præterea perjurus repellitur ab agenda etiam à testificando: Si*

tamen iuramentum licitum fuerit non temerit non temerarium & illicitum.

Excusatur tamen perjurus à pœna perjurii diversis modis, & imprimis, si ostendit se sine dolo fuisse perjurum.

Secundo propter difficultatem iuramenti observandi. Tertio si tale perjurium nulli alii sit detrimento sum.

Romani solebant eos punire qui per nomen Principis perjuri erant, nos quidem eos qui per nomen Dei perjurisunt.

Cozenage.

Cozenage is an offence, whereby any thing is done guilfully in or out of contracts, which cannot fitly be termed by any speciall name, *West. part 2. Symbol. tract. Indictments, Sectio 68.*

This is by the Civilians called *Stellionatus*, & *Stellione*, quod est lacertæ genus quo nullum animal homini invidet fraudulentius, *Plinius libr. 3. cap. 10.*

The punishment of this is Arbitrarie, as in our Realme, so likewise by the Civill Law, as appeareth by the twentieth title of the 47. book of the Digests, and *Wesembecius* Parat. upon the same.

Libellers bee oftentime dealt with in Star-Chamber, as offenders not sufficiently provided for by the Lawes otherwise, wherefore it is not amisse here to define a Libell: *Famosus Libellus est non modo si dissimulato, vel ficto auctoris nomine edatur, verumetiam si expresso.* But then

then what is the difference betweene an injurie in writing, and a Libell? For *injuria* is either *realis quæ re infligitur, ut per verbera, aut verbalis quæ verbo vel scripto, or personalis quæ personæ infligitur ut per verbera vel cruciatum.* The difference therefore betweene a written injurie and a Libell is, *quia famosus libellus ad infamiam pertinet, hoc est impingit delictum aliquod notabile, injuria fit contumeliæ causa, etiam absque infamia nota, ut si quis luscus, spurius, claudus, aliove contumelioso nomine appelletur et traducatur.*

An injurie in writing.

The rest of the misdemeanours punishable in this Court, cannot bee comprized under any certaine title but this, for that the most part bee such as receive no speciall punishment, by either the Common or Statute Law. And these in the Civill Law are called, *Crimina extraordinaria, quia extra ordine puniuntur, unde certe nullæ pænæ existunt; sed arbitrio Judicis committuntur.* Of these you may read many in the 47. Booke of the Digests, *titulo 11.* and in *Wesembecius* upon the same. But which they bee with us appeareth in some sort by these cases, that M. *Crompton* hath in this Treatise following set downe *de facto*, to have beene censured heretofore in this Honourable Court.

The Court of *Starre-Chamber*,
and matters before the
Kings Councell.

Set forth in *French* by M. Crompton in his
Book entituled, *The Iurisdiction*
of diuers Courts.



He Court of *Star-Chamber* is
a High Court, held before
the King, and his Councell,
and others. And those that
be sued there hee called by a
Subpœna to appeare before
the King and his Councell, at
the day mentioned in the Writ. At the which
day if hee make default, then upon oath taken
that the partie was served with the *Subpœna*,
there shall issue out an Attachment, upon the
which if he be taken and doe appeare, hee shall
bee committed to the *Fleet*, by the discretion
of the Court. If hee bee not taken, nor yeeld
himselſe, there shall then issue out a Procla-
mation of Rebellion, with Commandement
to apprehend him, and to have his body be-
fore

fore the King, and his Councill, at the day set downe in the Writ. At the which if he appeare hee shall be committed to the Fleet. But if hee appeare *gratis* upon the Proclamation, or upon the Attachment, the contempt will not bee so heinous, if hee have any reasonable excuse. And upon his default of appearance upon the Proclamation, there shall goe out a Commission of Rebellion, which appeareth hereafter in this Treatise.

Note that if the partie doe *gratis* yeeld himselfe upon Proclamation hee shall bee bound by Obligation to the King before the Master of the Office of this Court, to appeare at everie Session of the Lords untill hee bee discharged.

Note that the Stat. Anno 3. H. 7. cap. 2. giveth that the Chancellour, and the Lord of the Privie Seale, calling to them two Lords, the one spirituall, the other temporall of the Kings Councell, and the chiefe Judges, may examine Riots and Maintenances, &c. And none is Judge of this but the Chancellour, Treasuror, or Lord Privie Seale, or two of them; the other shall be Assistants and not Judges. *Ad quod concordant omnes Iustitii;* And the same is to bee said of the Statute concerning the reverting of errors in the Exchequer Chamber by the Chancellor and Treasuror, calling to them two Judges, *sed in primo casu Iustitiani tenent*

it to be an error, If the Chancellour, Treasurour, &c. do not call the Judges, and doe by their judgements, because the *Stat.* so limiteth, 8. *H. 13. Commentar.* 393.

A release
made by ex-
tremite.

An Abbot releaseth his right in twelve acres of Land to a Purveyour of the King for extremitie done to the Abbot by taking of his goods, *viz. Beeves: Et consilio Regis*, it was awarded that the Release was voyd by reason of that extremitie, 28. *Assises* 39. appertaineth to the Common Law, *Ideo quere.*

False reports.

Note that *Knivet* Justice saith, that one who had reported in the Countrey, that there were wars beyond Sea: so that none could passe by Sea that yeare, whereupon the price of Woollfells were sold at a lesse rate. And hee for that cause was constrained to come before the Kings Countsell, and fined to the King, 43. pounds, *Assise* 38.

False suggesti-
on to the
King.

If any man make a suggestion to the King himselte which is false, by meanes whereof any man be turned to damage or losse, hee that maketh this false suggestion shall bee brought with his suggestion before the Chancellour, Treasurour, and his great Countsell, and there shall find suretie to prove his suggestion. And if hee that made the suggestion or complaint cannot prove his intention against the Defendant by Proesse of Law, hee shall be imprisoned, and shall so remaine, untill he have made gree to the partie for
the

the damages, and for the slander that hee hath borne by that occasion, and shall afterward bee fined and ransomed to the King, 37. *Ed. 3. cap.* 18. 38. *Edm. 3. cap. 9.*

When men are compelled to come before the Kings Councell by writ founded upon an untrue suggestion, the Chancellor after the suggestion is found untrue, shall have power to award damages at his discretion to him that is so unjustly troubled, 17. *R. 2. cap. 6.* And by these two Stat. it seemeth that the Councell of the King heard causes long before the Stat. 3. *H. 7. cap. 1.* But some write that they had not authoritie before the Stat. to heare hainous misdemeanours, &c. But by this Statute the contrarie appeareth, and by the case 43. *lib. Assise* 38. *supra et ut: vide* 13. *Ed. 4. cap. 9.*

An Affize was awarded for damages for the plaint: upon Certificate of the Bishop that the Tenant was a Bastard; where the Parliament had sent a Writ to the Justices of Affize to cease, and yet they proceeded *ut supr.* whereupon the Chancellour reversed this judgement before the Councell, and setled it in the same plight it was in upon the Certificate, &c. and sendeth it back to the Justices of Affize, who proceeded and gave judgement for the plaint: because the Bishop had certified the Tenant to bee a Bastard, and had

had no regard to the reverfall before the Councell, for that is no plea where judgement may be reversed. *Quod nota, & sic vide*, that they had no respect to the manner of 13. Ed. 3. 14.

The Chancellour and Treasurour of England for the time being, and the Keeper of the Kings Privie Seale, or two of them, calling to them a Bishop, and a Temporall Lord, and the two Chiefe Justices of the Kings Bench and Common Pleas, or two other Justices in their seats, upon Bill or Information to the Chancellour for the King, or any other, against any person for unlawfull maintenance, giving of liveries, signes, or tokens, and retainers by Indenture, promises, or other writings, or otherwise for embraceries of the Kings Subjects, deceitfull behaviour of Sheriffes, in making pannels or untrue returns, for taking of money for Jurors, for great Ryots, and unlawfull assemblies, have authoritie to call before them by Writ, or privie Seale, the said mis-doers, and to punish them according to their demerits, as if they had beene committed by the Common Law, 3. H. 7. cap. 1.

The Chancellour, Treasuror of England, and President of the Kings Councell, attending upon his person for the time being, and the Keeper of the Kings Privie Seale, or two
of

of them, calling to them a Bishop and a Temporal Lord of the Kings Councell, and the two Chiefe Justices of the Kings Bench and Common Pleas, or other two Justices in their places, upon Bill of Information to be given to the Chancellour of England, Treasurer, President of the Councell, or Keeper of the privie Seale, for any misdemeanour mentioned in in the Statut. 3. H. 7. cap. 1. have power to call before them by a Letter under the privie Seale such misdooers, and to examine them, and such as they shall finde defective, to punish according to the Statute, and all other Statutes made heretofore, even as if they were convicted by the Common Law: 31. H. 8. cap. 20. they may punish the taking of women under the age of sixteen yeares from their parents against their wills, and contract marriage with them, against 4. & 5. Phil. & Mar. cap. 18.

Taking of women under the age of 16. yeares,

They may punish a forger of false Deeds, Forgery. per 5. Ed. 1. cap. 14.

They may punish those that obtaine goods and chattells of any other by false tokens and messages counterfeited in other mens names, by 33. H. 8. he shall be set on the Pillory, or have other corporall punishment, other than of death, as the Court shall award where hee is convicted.

False tokens and messages.

They may punish perjury, by 5. Ed. 1. cap. 9.

Perjurie and
subornation
of perjurie.

Spreaders of
false newes,
and false mes-
sages of Noble
men upon the
Stat. 2. R. 2. c. 5
is grounded

Scan, maghat.
Fraudulent de-
tainings.

Fines upon
Indicements.

and subornation of perjury, *ibid.*

They may punish spreaders of false newes,
and false messages of Noblemen and other a-
gainst the Stat. anno 12. R. 2. cap. 2. R. 2. cap. 5.
Vide parlm. the case of the Duke of Buck, and
the Lord of *Daburgawie*.

They may and doe punish notable deceit,
and fraudulent detaining in this Court, and
cofenages.

They may asseſſe a greater fine than is asseſſed
by the Justices of Peace upon Indicements in
the Countie, as it fell out in the case of Sir
John Conway, and *Lodovike Grevil*, for that the
said *L.* assaulted the said Sir *John*, and stricke
him to to the ground at Temple-barre with a
cudgell called a Bastinado, for which he made
fine in this Court C; 1: and more about the
27: of *Eliz.* though hee were indicted in the
Countie for the same assault, and fined before
the Justices of Peace there, or found surety
for the same fine.

Whipping a
woman with
childe suspected
of incontinen-
cie.

A woman great with childe, which was
suspected of incontineney without cause, was
commanded to bee whipped in Bride-well,
London, by the Masters there, and because
she fell to travell before her time, &c. they
were for this fined in this Court at a great
summe: And by order of the Court it was
awarded that they should pay a certain sum
to the said woman, about the 31 of *Eliz.* See
the

the proceedings there concerning this matter in the yeare aforesaid, set downe more at large.

A man tooke the beasts of another, but not feloniously, and held them as his owne in the deceit of the Buyer: This falshood may be punished here, if it be a notorious deceit as it seemeth, for hee may have an action upon the case, *Br. 85. lib. Aff. 2.*

Notorious
deceit in taking of beasts.

A man hath an *Elegit*, and the Creditour causeth the Jurie to find that the Debtor hath more land than indeed hee hath, inasmuch as the Creditour hath all the land in execution: there hee hath no remedy to disanull the execution by the Common Law, because he hath the land by record, viz. by the verdict of the Jurie: *Vide* action upon the case, *Br. 81. 27. lib. Aff. 72.* that he cannot have remedy of this falshood, but it seemeth that hee shall be punished in this Court of Star-Chamber: for this dealing is a procurement to the Jurie to bee forsworne, and no attaint lyeth, for it is but an Enquest of Office.

Deceit in an execution of a writ of *Elegit*.

An Attourney acknowledged a *Star.* in another mans name without authoritie, hee shall have an action upon the case, *Bro. title of fines, 54.* for hee hath no remedy to defeat this by the Common Law, *19. H. 6. 44.* It may be ordered here, that it shall bee disanulled by the partie to whom it is acknowledged, if hee

be privie to the falshood and deceit.

A fine taken
of a femme
covert, and
falsely entred.

A fine was taken by *Deidams potestat.* in Kent of a femme covert who dyed before Easter Terme next following, and the fine was entered in *Hillarie Terme* before, and the Queens silver entred the same Terme also, this fine was held good, and yet the party, viz. the husband which caused the fine to bee so entred, was called by Bill into the Starre-chamber to answer to his deceit, but yet the fine was ingrossed by the Court, *Dyer. fol. 220.* and this was the case of *Correll* the younger of the Inner Temple. Master *Fleetwood* the Recorder of *London* was assauked by one of the Queens house as he was going to *Westminster*, in the Terme time, who gave him divers wounds, for which he was fined in this Court, and put out of the Queens service.

The Earle of
Arundell was
upon the sea to
passe over
without li-
cence.

The Earle of *Arundell*, viz. sonne to the Duke of *Norfolke*, was upon the Sea to have passed over without licence of the Queen, and he was fined at a great summe in this Court of Star-chamber, circa 30. *Elizabeth. Regis vide stat. 5. R. 2.* that none should goe over Sea without licence of the King.

surveying of
Gentlemens
Armes, and
counterfeiting
the Heralds
Seale.

Note that one cocke upon him to view or survey Gentlemens Armes in the Countrey, as if hee had been an Herald, and had counterfeited a Seale of the same office. And he was fined in the Starre-chamber, because hee had

gotten

gotten money of the Queenes subjects by his
falshood, 27. *Eliz. vel circa.*

Divers of the Countie of *Middlesex* had ta-
ken money to favour *Led. Grevill* prisoner
in the Tower for suspition of being accessary
to murder if they should be returned upon his
deliverance, and of this they were convicted
by good prooffe: And they were fined in this
Court to great fines, and three of them did
weare papers from the Fleet to *Westminster*
Hall, and there also; and backe againe to the
Fleet, 31. *Eliz. vide fines for contempt, Fitz.*
lib. Assisarum 43. where one that tooke five
markes for being sworne to deliver a thiefe
which was committed and indicted of felony
for the King.

Taking of
money to fa-
vour *Led. Gre-
vill* suspected
of being ac-
cessary to
murder

A Justice of Peace was put out of Commis-
sion by order of this Court, for because that he
refused to take the Peace of one who came to
him, and offered him suretie for the peace, be-
cause the Justice which did award the warrant
was nor his friend, for which reason he refused
to goe before him to bee bound to the peace,
Lamb. fol.

A Justice of
Peace refus-
ing to take
the peace of
one that offe-
red surety to
him for the
peace.

A man put in a forraigne plea in *London*
upon his oath which was false, for the which
he was sued here in this Court for perjurie,
and the case heard there, 30. *Eliz.*

A forraigne
plea put in up-
on false oath,

If Justices
neglect the
apprehension
of Riotors.

In the Case of *Draiton Bassett* in *Staffordshire*, circa 22. *Eliz.* some Justices which dwelt neere unto the place where the Riot was, were called into this Court by Proccesse, and fined, and it was upon the Statute of 17. *R. 2. cap. 8.* which is, that the Sheriffe, and others the Kings Officers, shall apprehend Riottours, which assemble themselves together in outrageous manner. And note, that this Riot there was notorious, for there were a great number that were assembled in the Mannour house of *Draiton Bassett*, and held it forcibly.

Covin
Touching the
acknowledg-
ing of a fine
by persons
under yeares.

Thomas Worsley was seized in the right of his wife, of divers lands in *Lancaster*, circa 16. *Elizab.* both of them being within age, viz. the husband within sixteene yeares, and the wife of thirteene yeares. One *W.* caused a *Dedimus potestat.* by the procurement of one *B.* which should have the land to be procured to Sir *H. T.* and others to take cognizance of the said Husband and Wife, of the said lands, both of them being within age, *ut supra*, as also plainly appeared to the Commissioners. And one *A. K.* and Sister of the said *Katherine*, and next heire unto her, did exhibite a Bill in this Court of Starre-Chamber in her owne name, viz. in the name of *A. versus* and him that was of the Covin for the purchasing, and also against the

the said Sir H. T. and the other Commissioners. And thereupon the said matter found, the said W. was fined to a great summe, and likewise B. and Sir H. T. *Et fuit factum hoc circa 28. Eliz.* as *Worsley* himselfe did tell mee. And this fine was also in a writ of Error in the Kings Bench, brought by the husband being of full age, and his wife being within age, reversed *circa 30. Eliz.* and adjudged to bee voyd, as well against the husband as against the wife: and the husband entered presently, and execution did not cease during the life of the husband: and this *Worsley* himselfe did tell me likewise, who was the husband. *Et 32. H. 6. 31.* is, that if a married wife clope, & goe away from her husband, and lives in adultery, and levieth a fine as a single woman, if the husband enter, the fine is defeated, or avoyded, as well against the wife as against the husband *vide Carrols Case* in the Common Pleas, & *vide* the Booke of Entries, fol. 278. that the Judgement in a writ of Error to reverse a fine, is, *Consideratum est quod pedes finium præd. assilatis finium, extrahantur & cancellantur.* Then in *Worsleys Case supra*, if the fine shall bee cancelled against the wife, it cannot be of force against the husband.

Note, that the Jurie of London which acquitted Sir Nicholas Throgmorton Knight, *circa prima Mar. Regin.* of high Treason, because that the

the matter was thought to bee proved sufficiently against him, were called in the Starre-chamber in October, 1544. and eight of them were fined there at great summes, every one of them at five hundred pounds at the least, and awarded also backe againe to prison, there to remaine untill further order were taken for their punishment, and the other foure were released of their imprisonment, because they submitted themselves and acknowledged that they had offended, not considering the truth of the matter, *ut patet per Hollingshead fo. 1759 vide* eleven of a Jury which did acquit one *Hodge* of Felonie before Sir *Roger Manwood* Chiefe Baron in his Circuit in Somersethire against apparent evidence: they were fined in Star-chamber, and did weare papers in Westminster hall, *circa 29. Eliz.* the which my selfe saw.

One writes to
a Juror to ap-
peare and to
doe his con-
science.

Note that one *G.* writes his Letter to a Ju-
ror to appeare betweene *L.* and *C. D.* and to
doe his conscience, and he was fined at twenty
pounds here, because hee had nothing to doe
in the matter, *circa 27. Eliz.* Here note that
no man ought to meddle in any matter de-
pending in suit where hee hath nothing to
doe.

Slandrous
words against
a Knight.

One *Smith* in the Countie of Somerset Esq.
was fined in the Court for slandrous words,
which he had spoken of one Sir *John Tong Kt.*
which

which touched his life, which the said *Smith* could not prove, and he was committed and gave great damages to the Knight, *vid. 38. Ed. 3. ca. 9. ut supra.* And yet he may have an action of the Case at the Common Law.

One *L.O.* of Kent was punished in the Court for falsly going about to prove one that was his Cousin or Brother, to be a Traitor; And for this he was adjudged to ride about Westminsterhall with his face to the horse-tayle, *circa 27. Eliz.* as I heard.

A false endeavor to prove a man to be a Traytor

Note that one *S.* of the County of Lancaster for falsely procuring one to be indited for the death of another, was fined in this Court to a great summe, *circa 31. Eliz.*

A false procurement, of a man to be indited of Murder.

Diuers were set on Pillory in Cheapside in Lond. *circa 36. H. 8.* for cutting out the tongues of certaine living beasts, and for barking of certaine fruit trees and burning of a Farme maliciously of one *Greshams*; *et vide* the stat. of 37. H. 8. *ca.* now that he shall pay vnto the party treble Damages and shall forfeite ten pound to the King for fine in the said cases, saving that the burning of a Farme maliciously was made felony 37. H. 8. but this was repealed. 1. E. 6. *ca. 11.*

Certaine procured themselves to be carried into an house of a Iustice, to be examined of Felony vpon purpose to serue a Writ.

One had an Atachment out of the Chancery against a Iustice of Peace; because hee would not stand to an order made there *viz.* because he would not yeeld the possession of a

D

house

house to him which purchased the Writ: and it was devised (as a meane, the sooner to come to the possession of the said house) that certaine persons should have a warrant speciall from the Sherife to execute the same writ, and should come to the said house vnder colour to be examined upon suspition, & when they came there with the Constable and divers others attending upon them to bring them before the Iustice of Peace to be examined, *ut supra.*

The Constable who was privie to this device as the Iustice thought, knockt at the doore, and presently the said persons rusht into the house suddenly with force, against the will of the servant, having no weapon about them, but their daggers under their cloakes: and when they were in the house, they kept it with force two dayes, Wherevpon the Iustice exhibited his Bill in this Court against the said persons, and against others that were supposed to be advisors or privie unto it, and after some of them put in their Answeres there, the party did agree to the suite of the Defendant.

For by such a device a man may bee murdered and robbed in his owne house, as if men should come in the night to search for a Felon upon a false Hue and Cry: and therefore this device is very dangerous, and it seemeth by such

such an attachment he cannot breake the house because it was the suite of the party : and againe if hee might enter forcibly, yet notwithstanding hee ought not to abide there, & keep it forcibly, and therefore it was wrong from the beginning.

If a Lord of the Parliament be sued in this Court, the Chancellor shall write unto him, giving him notice of the same suite, and requiring him at a certaine day to answer to the said Bill. At which day if he appeare not, yet notwithstanding no Attachment shall goe forth as there shall against other Subiects under their estate. *Quere* if he shall make his Answer upon his Honour, as they doe in the tryall of a Peere of the Realme of Treason or Felony, or upon his oath.

If a Dutchesse, or Countesse, or Wife of any Lord of the Parliament, be married to a Knight, and be sued in this Court, a common *Subpoena* shall goe forth against him and his wife, by the name of A. B. and B. his wife, without naming her in the Writ by the name of Honour which shee had before; for shee hath lost this name by the Law, *Quod vide nomen dignitatis*. Br. 31. 69. Witnesse Lady Dame Powers, who married Mr. Hamard; and the Duchesse of Suffolke, that married Adrian Stokes. Dyer 79.

If a Duchesse, or Countesse, or Wife of any Lord of the Parliament after the death of

Noble mens
Widowes.

her husband be impleaded in this Court: not in the Chancery, the Plaintiffe cannot sue a *Subpœna* against her, but the Chancellor shall write unto her as the vse is vnto their husbands. *Quere hoc, & vide 35.H.6.Subp fo.20* *Subpœna* against a Lord which the Sheriffe durst not arrest upon a *Supplicavit of peace*.

Noble women
in case of Treason
and how to
be tryed.

Vpon an Arraignment of Treason or Felonie of the said *Noblewomen* as well marryed as single, they shall be tryed by Peeres of the Realme. 20. H.9.ca.9, & *Stansf.* 153. And before the Statute aforesaid it was doubted in this case how they should be tryed.

Slanderous
words of
noble women
which stat a.2.
Res 5.

If a man speake slanderous words of Noble men, *Quere* if he shall have an action vpon the *Stat. de Scandal. Magnat.* but the Defendant shall be punished in this Court.

Suffering a seditious
booke to be printed
in his house.

A Knight of the County of Northumberland was fined in a great summe in the Starre-Chamber, because he permitted a seditious Booke called *Martin Marprelate* to be printed in his house. 32. *Eliz.*

Iustice sendeth
his Warrant
with a blank.

One writes to a Iustice of the peace to send him his warrant with a blanke, to put in one that he would attach upon suspicion of Felonie, and so the Iustice did; and because hee sent his warrant with a Blankce to put in the name of one hee knew not, neither the matter, before the making of his warrant, hee was fined in this Court circa 30. *Eliz.* and it was one Sir T. R.

The

The forme of a Writ or Com-
mission of REBELLION, where the
party after Proclamation to yeeld
himselfe *sub pœna legiantie* *sinon com-*
paraverit coram Consilio, &c. est
ut sequitur.

CAROLVS Dei gratia Angliæ, Scotiæ,
Franciæ & Hiberniæ Rex fidei Defensor,
&c. Dilectis sibi G. C. W. L. A. S. & F. G.
salutem: Quia G. F. & I. R. quibus per publicas
Proclamationes per vice-com' Comitatus nostri
Derb: in diversis locis ejusdem Comitatus virtute
Brevis nostri eodem Vic' direxi ex parte fact' præ-
ceptum fuit quod iidem G. F. & I. R. sub pœna le-
giant' suarū coram Nobis & Consilio nostro apud
Westm. ad certam diem dicto brevi nostro content'
personaliter comparav': Mandato nostro in ea parte
parere manifestè contempserunt, Ideo vobis tribus,
duobus, vel uni vestrum mandamus, quod prefat
G. F. & I. R. ubicunq; inventi fuerint infra re-
gnum nostrum Angl' tanquam rebelles & legis
nostri contemptores atachiatis, vel atachiare facia-
tis, Ita quod eos habeatis vel haberi faciatis coram
D 3 Nobis

Nobis & dicto Concilio nostro apud Westm. in Crastino Animarum prox. futur. ad respondend' super his qua sibi objicientur tunc abidem & ad faciend' ulterius & recipiend' quod per Nos & dictum Consiliū nostrū consideratum fuerit in hac parte & hoc nullatenus omittatis, Dames enim vobis & singulis Majoribus, Vice-Com' Balliivis, Constabulariis, & aliis Officiariis, Ministris, & subditis nostris quibuscunque tam infra libertat' quam extra tenere present' firmiter in mandat' quod vobis & cuilibet vestrum in executionem premissorum sint intend' & assistent' in omnibus diligenter prout decet.

In cuius rei testimonium has Literas nostras fieri fecimus patentes. Teste Me ipso apud Westm. 23. die Maii, Anno Regni nostri, &c. Vide Tit Chancery forme de Commis. Rebell.

*A false returne of a Knight
of the Shire.*

Brunker Sherife of Wilts was sued by an information of perjurie in this Court at the suite of the Queene for a false returne made of Sir. I. T. to be a Knight of the Parliament for the said County, whereas indeed one P. was

was chosen by the greater number of free tenants in the said County, in deceit of the County and of all the Realme, and it appeared by examination that *Brunker* was not sworn to execute his office, notwithstanding that, a *dedimus potestatem* was directed to one Lord to give him his oath, who dissuaded him from it; for the difficulty of the Articles; And this matter by grave resolution and honourable and great assembly of the Noblemen was ordered against *Brunker*, viz. for contempt of the ancient Law, *scilicet*, that every Sherife in the beginning of his office shall sweare, which the said *B.* did not, wherefore he shall pay unto the King 100 pound beside imprisonment for five weekes, and moreover 100 pound adiudged to the King according to the *stat. 8. H. 6. ca. 7.* for the false returne, and also a yeares imprisonment without bayle or maine-prize. And *Hide* the Commissioner appointed to receive the oath, was fined at twenty markes, besides a fortnights imprisonment, and also *B.* and *P.* were bound by recognizance to stand to the arbitrement of foure Noble-men, for the hundred pounds due due vnto *P.* But Sir *J. S.* was bound in 300. pounds to *Brnn.* for to save him harmlesse for his returne, *Dyer 168.*

Sning in a Bi-
shops Court
for things
belonging to
the Kings
Court (*aut ali-*
bi) is interpre-
red by the com-
mon Lawyers to
signifie the Bi-
shops Court,
but it ought
to be taken for
the place
where the
Popere resideth
as *Auignon* in
France or such
other place of
his abode.

If a Ryot can-
not be found
afore Justices
&c.

The King and
his Counsell

The Statute of 16. *R. 2. cap. 5.* gives, that
if any sue in the Court of Rome, or any where
else where it is taken to be the Bishops Court
or other Court, 47. *Old Nat. Brev. 147.* for
any thing which appertaines to the Kings
Court, he shall incurre the penaltrie of the said
Statute, and the partie grieved may sue the
Offender before the King and his Counsell,
by Attachment, or by Writ of Premunire a-
gainst the party, or may sue against him *in*
Custodia Mariscalli in Banco Regis, by Bill. 36
H. 6. 5. Action vpon the Statute, *Br. 372*
Ri. 3. 17. But a man may sue in the Kings
Court as many matters as hee will without
perill.

If a Ryot be found before Justices of the
peace vpon inquisition made, then the Iusti-
ces of Peace and the Sherife or under-Sherife
shall certifie before the King and his Councell
all the acts and circumstances of the Ryots,
which shall be of the same force that the pre-
sentment by twelue men should have beene,
and those which are convicted shall be puni-
shed according to the discretion of the King,
and his Councell. 13. *H. 4. cap. 7.* and not-
withstanding, this matter may be certified in
the Kings Bench as well as before the King,
and his Councell, as Iustice *southcot* said, and
note that the certificate ought to bee certaine
in all points, because that it is in the nature
of an Inditement.

If one speake slanderous words of an Arch-
 bishop or Bishop, hee may sue in the Starre-
 Chamber to have him punished, or hee may
 have an Action upon the Statute *de Scandalo*
magnatum, as appeared in *Sands* his Case Bi-
 shop of *Torke*, in the Starre-chamber be-
 tweene him and one *Stapleton* Knight.

Slanderous
 words of an
 Archbishop
 or Bishop.

An 2. R. ca. 5.
 & 12. ejusdem
 ca. 11.

One spoke of my Lord *Dyer* Chiefe Ju-
 stice of the Common Pleas that he was a cor-
 rupt Iudge, for which he was convicted in this
 Court, and adjudged to stand vpon the Pillo-
 rie, *vide Statut. de Scandal. magnatum*, in the
 which the Iudges of the Law are mentioned,
 and surely this man was a very grave, reverend
 and upright Iudge by the generall report of
 all men, and by this report greatly abused.

If one say of
 the Kings Ju-
 stice, that hee
 is corrupt,

One had cast abroad slanderous Libells of
 one that was Bishop of *C. circa 20. Regina.*
 and was punished in this Court.

slanderous
 Libells of a Bi-
 shop,

The King himselfe is by intendment alwaies
 present here in person, for the *Subpena* that
 goes out to warne any to appeare in this
 Court is *Corum nobis & Concilio nostro*. And al-
 though the King come not thither, yet being
 that his Counsell is there, it is intended that
 the King himselfe is there. And that which his
 Councell doth here is adjudged in Law as the
 Kings deed himselfe, for they speake with his
 mouth.

The Prince is
 alwaies inten-
 ded to be pre-
 sent in the
 Court of
 Star-cham-
 ber.

Question of
the Constable.

The Kings
counsell the
Iudg between
Iurisdiccions.

Slanderous
words against
the King

If strife or debate be whether a suite to bee tryed by bartell shall bee before the Constable, or Marshall, or by the Common Law the said Constable and Marshall commanding them to surcease untill it be decided by the Kings Councell, which of them shall have cognizance of the matter, 13. H. 2. cap. 2.

Note where the Statute *de scandall. magnatum*, in print, speaketh of false messages, the Record of the Tower is, false Messengers. *viz* false lyes, and this also appeareth by the Writ which is founded upon the Statute.

One O. which had spoken slanderous and horrible words against Queene *Mary*, was indired, for the words of the Inditement being that he had spoken them against the forme of of divers Statutes without mentioning of any in particular, and without saying, *unde scandalum in Regno inter Reg. & magnat. vel populum suum orire poterit*: and he was convicted of these words vpon his arraignment, and had Iudgment to be imprisoned, and to bee fined at the Kings pleasure untill hee had found his author, according to the Statute of *Westminster* the 1. Cap. 34. for hee could not have punishment according to the first and second of Queene *Mary*, because that the time was past, and that is that hee shall bee imprisoned untill he produce him unto the Court, who was the first Author of the words, and not according

to the advice or arbitrement of the Councell ; for it is when the slander toucheth the Noble men , and great Officers mentioned in the Statute of 2. & 12. R. 2. and not the King. for he is an exempt person , and not implied within the words (*les haults & grands homes ou nobles*) &c. Dyer . 155. And it seemeth that the offence might have beene examined in the Starre-chamber , and punished there aswell as any where else.

One brings an Action of forging of false deeds against a Lord, no Action will lye against him for it, while the suite is depending vpon the Statute *de scandal, magnatum*. For it rests in doubt, whether the defendant be guilty or not, Dyer, fol. 285. And by the same reason hee cannot sue the plaintiffe, in the Starre-chamber depending the suite in this matter.

An action of Forgery brought against a Lord

James Taverner being a Copyholder of the Lord Cromwells of his Mannor of Northelton in Norfolk made a customary in Lattin of the said Mannor in Parchment, with eleven Labels and Seales, of his owne and other Tenants of the Mannor , inserting into it divers very false Customes tending apparently to the disinheriting of the said Lord, and pretending by the said tytle of the Customary to be collected, renewed and set by the consent of all the freeholders of the said Mannor beeing in num-

The making of a false customary of a Mannor.

ber 100, at the least, and allowed and permitted by the Lord of the Mannor, & *jure*, conclusion, *in cuius rei testimonium*, the 11 whose names were subscribed, had put their seales the day and yeere abovesaid, but no day nor yeere appeared in the title, and no consent of all the Tenants, nor allowance of the Lord had in deede, and the seales were very strange; for upon every seale, there was a great square seale ingraven about with *Northelton*. And the particular seale lesse within that, by the which as it seemeth the intent was to prove the consent or allowance of the Lord, with the consent & agreement of all the tenants, & this was proved to be done wittingly, subtilly, falsly and to the intent, and by *Taverner*. If this be a Forgery punishable by the statute *de An. quinto Regina Eliz.* this being done in *Anno 9, Regina Eliz.* it was doubted and referred by the Lo: to the consideration of all the Iudges *quorum opiniones pro maiore parte* were reported by the two Chiefe Iustices, that it was a Forgery or counterfetting, punishable by the open and shamefull penance contained in the Statute which speaketh expressly of a writing sealed, as this was, and to the intent to benefit themselves and to disinherit the Lord, and accordingly Iudgment and decree was pronounced that terme in solemne presence the Lord Keeper being absent by reason hee was

was not well; And for the execution of double costs and damages recovered by the taxation of the Court, it was doubted what manner and forme of proceſſe ſhould be made, and after conference had upon it betweene all the Juſtices of both Benches, and the chiefe Baron, it was agreed, That an Engliſh Writ ſhould bee made and directed to the Sheriffe of *Norfolke*, rehearſing the conviction, and the Statute for the leavying of the ſaid costs, and of the goods, chattels and profits of the ſayd Land of the ſaid T. and to bring in the money into the Star-chamber, the writ to be ſealed with the great Seale, and the Teſte or Witnes to the *Queene* her ſelfe as is uſuall in the like writs as goe out of the Chancery.

After this conference and judgment in the Star-chamber, the *Queene* pardoneth the execution of the corporall puniſhment, whether this bee good without obtaining releaſe of the party. Alſo *que intention. ſtat. 5. Regin. Eliz. cap. 14.* Note the preamble vehemently penned for the increaſing of the puniſhment for Forgery, and alſo the body of the Statute, That is to ſay, that the party grieved ſhall recover double costs and damages, and that the offender ſhall ſuffer vpon the pillory the corporall penance; and alſo ſhall forfeit to the King the profits of his land, but the plantiffe to be firſt ſatiſfied, &c.

Also if the offender hath once satisfied the corporall punishment, hee shall not be estoones impeached.

Also if the offender bee once convicted, the plaintiffe cannot release nor discontinue the punishment, &c. but onely costs and damages &c. *Et postea scilicet termino Mich. prox.* it was holden by *Wray* chiefe Justice, *Sanders* chiefe Baron, *Harper* and *Manwood* Iustices, *Barham*, and *Gerrard* Attorney, that the *Queene* might pardon the corporall punishment, which trencht to the common example, but *Dyer*, *Mounson*, and *Southcot* held the contrarie, *Dyer* 322.

Strangers robbed on the Sea.

A Merchant stranger that is robbed upon the Sea by English men, may complaine by bill in the Starre-chamber for it, if so bee that the King whom the Merchant is subject unto, be in amity with the King of England, *vide stat. 37. Eliz. 3. statute staple, ca. 13.* that he that sueth before the King, and his Councell ought to prove that he which tooke him, and robbed him, *fuit etiam sub obedientia Regis, vel de amicitia Dom. Regis sive Principis querent. tempore spoliationis, & non inimicus Regis sive Principis querentis quia si fuerit inimicus quoniam capet bona, tunc non est spoliatio nec deprivatio sed legalis captio prout quilibet inimicus capit super unum & alterum. Et hac fuit opinio Iusticiar' in Camera Scaccar. ad hoc per Cancellarium Angl. vocat. 2. R. 3.* Note that

that the said Statute doth not speake that they shall be examined before the Council, and yet the same booke is *ut supr. vide 31. H.6. cap. 4.* that this matter may be examined in the Chancery.

Vide if an enemy take a ship from an Englishman, and another Englishman taketh it from him againe, the first from which it was taken, hath no remedy if he cannot *ante occasum* of the same day as it was adiudged as *Vavisor* said, *Bar. Fitz. 9. 7. 3. 4.* but hee that tooke it from the enemy shall retaine it as a thing gotten by battell, and neither the King nor the Admirall shall have share. *ibid.*

An enemy taketh a ship from an Englishman, and another Englishman taketh it againe from the enemy.

Vide the Statut. 26. *Eliz. cap. 4.* the authority of the Court of Starchamber serveth against them which make fraudulent conveyances to defraud purchasers &c. By the which it appeareth that this Court shall punish such an offence as well as it may be punished by the said Statute in another Court. And such a Clause is in 5. *Eliz. ca. 10.* concerning perjury.

Fraudulent conveyances.

Note by *Catlin* Chiefe Iustice of England in the Starchamber before all the Queenes Councill, that if an Infant or married wife or other, levy a fine vpon a grant and render in taylor or for life, the husband dyes, the wife nor the Infant shall have a Writ of errorr during the nonage, because that he is the Tenant of the land himselve, and againe hee cannot

A fine levied by an Infant or married wife

not have a Writt against himselfe, and so in this case the Infant is without remedy *quod nota*, great mischiefe. *H. Anno. 15.*

Perjury voluntarily committed in the Kings Bench

If perjury be voluntarily committed in the Kings Bench by any witnesse or prooffe upon suggestion for a prohibition there to be granted, against an Ecclesiasticall Iudge, according to the Statute of 2. *et. 3. Eliz. 6. cap. 13.* where the party is stayed of his Writ of consultation, whether it might be examined and punished in the Star-chamber was a great question, and upon this all the Justices were assembled together at Sergeants Inne and perused the stat. of 3. *H. 7. cap. 20. et 11. H. 7. ca. 25.* and the *priviso* for the Star-chamber, in the end of the Act of 5. *Eliz. ca. 9.* and it seemeth unto them that the said perjurie was not examinable nor to be punished in this Court of Star-chamber for. 3. *H. 7. cap. 1.* doth not provide any punishment for perjury no more then it doth for murder, and before 5. *Eliz.* there was no punishment for perjury by common Law but an attaynt, *Dyer. 242.*

Perjury.

Vide my booke of Justice of Peace amongst the Articles touching matters Ecclesiasticall, for perjury divers cases which are printed there.

Perjury in Chancery.

A man committeth perjury in the Chancery and thereupon a bill is exhibited and concluded *contra formam statuti. 5. Eliz.* And it was doubted

yeares is conceived, shall bee punished by 5. *Eliz. cap. 14.* by this word writing, onely. And yet no mention is made of any Testament: but of a Will concerning Franktenement or inheritance. And it was doubted whether perjury committed in an Ecclesiasticall Court *circa probationem test'*, may be punished in the Star-chamber, by reason of the proviso in the Star-chamber there. 302.

A man having
a Lease for 20
yeares writeth
30 in the In-
denture

A man hath a Lease for twenty yeares, and maketh this in the Indenture thirty yeares, this is no forgery of the said lease, because that it was a good deed, and not forged at the beginning. And yet notwithstanding the said Lease is now voyd: the first case is so taken in the Starchamber: and for the other case see my Lord *Dyer* 26. that striking out, and maculation, and blotting of words, although it be not in a materiall place, as in the substance of words contained in the indenture, defeats or disannuls the Indenture. And this was in the case of the Lease made by indenture by *A. Quere.*

Maculation or
blotting of
words.

Protection a-
gainst Purvey-
ors.

Note, *Fitz. nat. br.* 30. that it appeareth by the Register 289. that all persons spirituall may sue out a protection for themselves and their goods, and their Farmors of their lands, and for their goods there that they shall not be taken by the Kings promotors, nor their carriages or cattells taken by any of the Kings

Ser-

Servants: and it appeareth by the same protection, that King *Edward* in the 14. yeare of his reigne, by especiall Statute granted this privilege to the Clergie, that hee tooke them into his protection, and their goods and cariages: And they may have a speciall Commission directed to certaine persons, to arrest such Purveyors or servants, to bring them before the Kings Councell, there to answer their mis-fesance in this Case.

If a Jurie do forswear themselves in Court Jurors for-
Baron amongst the free Tenants, upon a Bill swearing
put into the Court, he shall be punished here, themselves in
for no attaint will lye in a base Court: But a Court Ba-
ron.
if errorr bee committed in such a Court, the
partie shall have a writ of false judgement. But
the Copyholder of a Mannour (if false judge-
ment bee given against him) shall not have a
writ of false judgement, but shall sue unto the
Lord of the Mannor by petition. *Nat. Br.* for
a false verdict given against such a Copyhol-
der, he may sue in the Star-Chamber.

A man may sue a Bill (as it seemeth) in the Buying titles.
Star-Chamber upon the Statute of buying of
Titles, 32. H. 8. cap. 9. for the King to have
the forfeiture of the said Statute, and al-
though the Statute aforesaid giveth the for-
feiture of the one moytie to the King, and
the other to the partie, yet notwithstanding if
the King first commence his suit for all, eve-

rie one is barred as in other penall Statutes, which give the moitie to the King, and the other moitie to any other that will sue for it, *ut patet 3.H.7.* for the last *vide Brunkers Case, ut supra.*

A man found
an Ideot be-
fore the Es-
cheatours.

Although a man bee found to be an Ideot before the Escheatours or Sheriffe by inquisition, yet notwithstanding hee may come by himselfe, or by his friends, before the Kings Councell, and pray to bee examined before them, whether he be an Ideot; or he may sue a Writ of the Chancerie directed to certaine persons, to bring him before the Kings Councell to bee examined. And if hee be found no Ideot before them, then that which is found before the Escheatours or Sheriffe availeth not.

Unlawfull
maintenance.

Note that *3.H.7.cap.1.* saith, that the Lords in this Court shall heare and determine unlawfull maintenances, &c. *Et ideo*, what shall bee said Maintenance, and what not, *vide my Booke of Justice of Peace, eodem titulo.*

If a man take
upon him to
maintaine, &
yet doe not.

If a man take upon him to maintaine, and yet doe not maintaine in deed, hee is punishable, *Lib. Ass. 30. Dyer 95.* A man took money to give a verdict, although he gave no verdict yet notwithstanding he shall be fined, *Dyer 95. Fitzh. nat. br. 171. 21.H.6.2.*

Maintenance.

If I grant to *B.* that if my Tenant for life dye in my life time, that *B.* shall have the land for twentie yeares: In this case *B.* may maintaine,

tainie, 9.H.6.64. and yet this is but a possibilitie by *Strange*, and there is a Case vouched to this purpose, *Commentar. fo.*

Everie one which hath interest in the rever. Maintenance. sion or remainder, may maintaine, and that with his owne money, *Maint. Br. 53. 136.* And so may hee that hath an use in Law or in conscience. As if an obligation bee made to my use, I may maintaine, & *vide* the Case, 15.H.7.2. where one was indebted to me, and others indebted to him, and hee assigned his bond to mee in satisfaction of my debt, and I in this case may spend of my owne money in this suit, as appeareth there, 37.H.6.13. where one buyeth an obligation made unto another, and it was held voyd in Law, and also in the Chancerie, because the partie had not *quid pro quo*, for it is a thing in action, and therefore if he bring an action upon this bond in the Obligees name, this seemeth maintenance, because he hath no interest.

The Statute aforesaid of 3.H.7.cap. 1. speaketh moreover of the giving of Liveries; that if a man take a Liverie, and doe not use it, yet he shall be punished for it, 5.H.7.18 *per Hussy*, & 6.H.7. *per Wood* accordingly *quare* the Statute aforesaid speaketh of Retainers by Deed to promise without Deed, for Retainers *vide* 8.Ed.4. fol. 2.

Item, the said Statute speaketh of Embracerie. Embracerie.

cers, who shall bee said an Embracer, *vide* my Book of Justice of Peace, *titulo*, Maintenance, Embracerie, Champertie, &c.

Embracerie

Note that a *Decies tantum* will nor lye against an Embracer, if hee embrace and doth not take money, for he must take money and embrace. Also where this action is maintainable, *Fitzh. Nat. Br. 171. Issue 100. 37. H.6.31.*

If a man take money, or buyeth lands for lesse than it is worth, for to embrace, or to give a verdict, it is all one, &c. *Decies tantum Fitzh. Nat. 9. 41. E.3.*

Jurors tooke money after they had given their verdict, without any covenant aforehand, whereof they were convicted by verdict, and every one was fined at a noble. This Case is out of the Statute of *Decies tantum*, 39. *lib: aff: 19.* and so it shall bee punished in this Court, because that they have power to punish Jurors which take money, as it appeareth by the Statute of 3. *H:8:cap:1:supr.*

A Lawyer which taketh money to embrace Jurors shall bee punished by the Statute of 6. *Ed:4:5: Decies tantum. Fitz: nat: br: 171.* and yet notwithstanding for taking of money to give in evidence, shall not bee punished. It seemeth that Embracers shall bee punished which take money, and labour the Jurours to passe the one way, or the other, although the Jurors

Jurors give up their verdict as they should doe.

Note that the Jurors which take money, and are attainted shall not bee put in Aflize; Juries or Enquests, but shall be sent to prison, and moreover punished at the Kings pleasure. 5. *Ed. 3. cap. 5.* Note, that this Statute was made long time before the statute of *Decies tantum*, which was made in 34. *Ed. 3. cap. 8.* And this statute of 34. *Ed. 3.* giveth no imprisonment, but where a Juror or Embracer hath not sufficient to make recompence.

Jurors which
take money.

The said statute of 3. *H. 7.* speaketh also of the untrue demeanour of Sheriffes in impanel-ling of Juries, and in untrue returnes: concerning false returnes, see *Bronkers case supra* in this Title, & vide the statute of 23. *H. 6. ca. 10.* for Sheriffe, for extortion, and taking of money: And vide the Title of Sheriffes in my Justice of Peace.

Untrue re-
turnes of
Sheriffes.

Item, the said Statute speaketh of Ryots, Ryots, &c. and see Title of Ryots, and Routs in my Justice of peace.

Item, by the said statute of 3. *H. 7.* it appeareth, the Lords shall punish taking of money in Jurors or Imbracers, although the partie might have beene punished by statutes that have beene made.

Taking of
money in Ju-
rors.
Embraceries.

If a man maintaine another whilst the plea is depending *pro parte Reg.* hee shall bee punished.

Maintenanoe.

nished in the Starre-chamber. For every Champartie implyeth a maintenance, *vide* 32. H: 8: cap.

If a man exhibite a Bill against 2, and pray to have proces against them, but the plaintife serveth but one of them: If the defendant have a commission to take their answer, and the Commissioners take their answer, and the plaintife doth not joyne in the Commission, here hee shall lose the benefit of examining the defendant upon interrogatories, and therefore see that is good, that the plaintiffe joyne in the commissions, to the intent that hee may exhibite interrogatories: *Vigilantibus & non dormientibus subveniunt leges.*

Entring into a house and carrying away of writings.

Trespasse for entring into his house, and carrying away of writings, and the defendant pleads not guilty, the enquest saith that the defendant came into the house of the plaintiff when the plaintiffe was not there, and said unto the plaintiffes wife, that hee bade that she should deliver the said writings unto him, which she did, whereupon *Higham* awarded that the defendant should be imprisoned, and that he should not bee released untill hee had redelivered the said writings unto him: And damages were assessed because hee came with a false message, Trespas-ship 240. 34. Ed. 1. *vide* the statute of 33: H: 8: cap: 1: how one should be punished there for getting of money

ney, or by a false message, or counterfeite Letters or Tokens. See *Worsey* his case *eadem titulo*, vide 1. R. 2. ca. 4. How Lords or Noblemen shall be punished that maintain quarrells in the Countrey, or any where else.

A Merchant stranger which came into England by the Kings safe conduct did deliver certaine Merchandize to one of the Kings subjects at *South* to cary, who opened the packet, and took things out, whereupon the Forreiner exhibited a bill in the Starre-chamber before the Kings Counsell there, whether this were Felony or no. It was referred to the Justices, and held to be felony, and so the Justices certified the Chancellor, and the Kings Counsell. And it seemeth by the booke that a Merchant shall not lose the Merchandizes, because hee comes hither with the Kings safe conduct, *ut supra*, 13. Ed. 4. 9. And it is said there that it was adjudged that notwithstanding the statute which giveth that the safe conduct shall be enrolled, and the number of the Marriners, and the name of the ship, That where safe conduct is, and hath not his due circumstances according to this, yet it shall bee allowed: for Aliens say that they are not bound to know our statutes, for they come by reason of the Kings privie Seale upon his safe conduct: And if that should not be sufficient, then should they bee deceived, and yet not-

A Carrier opening packs committed to him not to be opened.

Safe conduct to Merchant strangers.

withstanding some say that the statute made
for Forfeiture of Merchandize bindeth Mer-
chant strangers, as well as Denizens. *vide Po-
tiff in his case, Comment. fol. 1.* It is held by the
Chancellor in the first case, that a Merchant
stranger, which comes by safe conduct, is not
bound to sue by the Law of the Land, to try
a thing by twelve men, but that it shall be de-
termined according to the Law of nature in
the Chancery. And by this it appeareth, that
the Court of Star-chamber was before 3. H. 7.
cap. 1.

Collusion up-
on bond to
save a surety
harmlesse.

Note, that one *Greville* was bound with one
H. and for the debt of the said *H.* in an hun-
dred pound to one *Darby* a Merchant for the
payment of 50 pound, at a certaine day, and
H. was bound to *Greville* by obligation to
save him harmlesse against *D. H.* payeth the
money, 50 pound at the day or within three
dayes after, and his bond given him, in the
which *G.* and *H.* were bound to *D. G.* being
neither sued, nor dammed by this debt pra-
ctised with one *P.* that *G.* should bring an ac-
tion upon the said obligation against the said
H. and then it was agreed, that *P.* should ap-
peare as *H.* his Attorney, and confesse the
action without any ordinary rule of the
Court to answer. The plaintiffs Attorney
pleaded unto him, *non sum in personis*, and
upon this *G.* had *H.* in execution, and *H.* New-

on this matter to the Court, whereupon a
Kecor was made of the judgement, and *H.* en-
 larged, and *P.* committed to the Fleet, and to
 stand upon the Pillorie. And *G.* was bound
 to the Queen in a Recognizance of two hun-
 dred pounds to appeare in the Common
 Pleas. And this device and lewd practice was
 made and devised betwixt *G.* and *P.* to stop or
 discharge a debt, in the which the said *G.* was
 bound unto the said *H.* *Dyer fol. 231.* Note that
 this order that *P.* should stand upon the Pillo-
 rie was ordered by the Court of Star Cham-
 ber as it frameth.

Note, *Dyer fol. 249.* saith that an order and
 decree was made in the Star Chamber, 2 *H.*
 4. 8. by the device of divers Justices there be-
 ing, viz. both the Chief Justices of both the
 Benches, *Fitzherb.* and *Spillins* Justices, that
 by the Law such a prisoner as is in execution
 in the Fleet for debt, shall not have his libertie
 within the prison, nor without with the Kee-
 per, but shall bee kept verie straitly in Ward,
 and an Injunction of this was sent to all the
 Keepers of the prisons in London, to observe
 the said Order and Decree upon paine of an
 hundred pound, and so see the authoritie of
 the Court that by good discretion it may or-
 der things, although they bee not mentioned
 in the Statute of 3 *H.* 7. cap. 1.

A Prisoner in
 execution for
 debt must be
 straitly kept.

An Item for
Sheriffes.

R. A. was attainted of Disceſſion with force, whereupon an exigent went out, which Writ the Sheriffe returneth: And that the King ſent unto him the Writ under his ſeale, that hee had pardoned the treſpaſſe and imprisonment, and commanded that hee ſhould not be endamaged for this cauſe: ſo that hee hath nothing by reaſon of this commandement, and returneth the Kings Writ: And becauſe this Writ ſhould have been ſent to the Juſtices, and they ought to have commanded the Sheriffe to ſurreaſe (for a Sheriffe cannot ſurreaſe by reaſon of any Writ in the Law, but by warrant out of the place from whence hee had his commandement) The Sheriffe was amerced, and a new Exigent awarded, *14. Edw. 3. ſimile of Viſcount Fitz. 89.* As touching that the ſaid privie ſeale ought to have been ſent to the Juſtices, *vide 4. E. 4. 14.*

A Sheriffe having a Writ of Attachment, *Coram Domina Regina & Conſilio in Camera Stellata apud Weſtm. 15. Paſche ad reſpondend. dict. Domina Regina & Conſilio ſuo de quodam contemptu, & ad faciend. & recipiend. ulterius, &c.* arreſted the partie, and tooke bond of him, indorſed with this condition, *viz.* that if hee ſhall perſonally appeare before the Queenes Maſteſtie, and her Councell at Weſtmiſter 15. Paſche, and then and there ſhall an-
ſwer

swer a contempt by him made against the
 Queene and her Councell; then if these
 words, viz. (and then and there shal answer)
 seem to be an addition more than is in the Sta-
 tute, 23. H. 6. ca. 10. *garr. Ideo vide*, whether it
 bee voyd or not. It was demurred upon in
 Law, and by the opinion of *Dyer* and *Wind-
 lum*, the Obligation is good enough, for it
 amounteth to as much as to say (then and
 there to answer to a contempt, &c.) which
 had been good, and by this obligation no pro-
 fit accreth to the Sheriffe, or to any other
 person, but onely to answer to the King, &c.
 which was the intent of the Statute of 23. H.
 6. *sed Medea contra*, and judgement was given,
Mich. 22. & 23. Eliz. per Dyer 264.

Memorandum, quod pater 34. H. 6. rotulo 37.
in Banco Regis, That one *Vernay* which was in
 execution in the Fleet for debt unto the King,
 and another, procured themselves fraudulently
 to bee indicted of felony, to the intent to
 defraud their Creditours of their debts, and
 procured themselves to bee removed out of
 the Fleet by a *corpus cum causa*, &c. directed
 to the Warden of the Fleet to be committed
 to the Marshalsey; and these executions were
 returned into the Kings Bench, whereupon
 the King being informed of this intent of the
 prisoners, and of divers of their such fraudu-
 lent practices to deceive their Creditours by

Men that be-
 ing in prison
 for debt, fran-
 dulently pro-
 cure them-
 selves to be
 indicted,



this procurement to bee endited of felony,
and to bee arraigned upon it, and to confesse
the felony, and to betake themselves to their
Clergie, to the intent to bee out of the power
of Temporall Lawes, and afterwards by
meanes to make their purgation, and bee
discharged: The King by his Privie Sealedi-
rected unto the Iustices of the Kings Bench,
commanded them to surcease the arraigne-
ment of him untill they had heard further
commandement from him and his Councell.
Dier 345. vide 1. H. 7. 7. One was arrested in
London upon a plaint which was not at the
Comytien Law, afterwards the Defendant
was indited in the Kings Bench of trespassse,
and was removed thither by *Habeas corpus* out
of London, and because hee could not appeare
by Attourney in the Kings Bench, but in pro-
per person, hee was not sent back, which was
held cleereley suspicious; and yet hee was dis-
missed out of London, for hee acknowledged
the trespassse, and was committed to the
Marshallcy, and afterwards hee found surerie
for fine to the King, and was discharged. *14.*
H. 7. 7. printed by *Cawin* shall not bee allowed,
6. Ed. 4. 4. One was in execution for the par-
tie for damages, recovered in redisseisin, and
afterwards attainted by Outlawrie of felony,
and pardoned for it, who was againe in exe-
cution for the partie, and yet notwithstan-
ding

ding once he was in some sort discharged, because that when the Kings interest and of a common person concur together in an entire thing as in the body, &c. the King shall be preferred; but if hee had beene found guilty, and had his Clergy, hee should be delivered into his former estate, *I. Illingworth and Markham*: And the reason is, because that in this case hee is out of the Court, and discharged of this; but in the case of redisseisin *ut supra*, he abideth alwayes in the keeping of the Court, *6. E. 4. vide 24. E. 3. 12. & 6. H. 4. 8. vide 4. E. 4. 9.*

If a man make a Proclamation without priviledge or custome, he shall bee fined and committed, and so was Sir *I. K.* of North. which caused proclamations to bee made in divers Townes, that every one to whom *I. S.* was indebted should come unto him, to the which *I. S.* was Executour; and that they should be paid, and hee was committed for this, and fined, *Proclamation Brooks 10. 22. H. 8.* and this matter shall bee examined in this Court.

A man having neither priviledge nor custome to make Proclamation.

F I N I S.
